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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL MP Nos. 5536 & 5537 of 2026

IN

CRL RC No. 723 of 2026

M.Murugesan

..Petitioner in both
Crl.M.Ps.

Vs

State by, The Inspector of Police,
Mallur Police Station,
Salem District.
Crime No.319 of 2023.

..Respondent in both
Crl.M.Ps.

PRAYER in Crl.M.P.No.5536 of 2026: Criminal Miscellaneous Petition filed under Section 438(1) of BNSS Act, 2023, to suspend the sentence of imprisonment imposed in the Judgment dated 12.12.2025 made in C.A.No.60 of 2025 on the file of the learned 1st Additional District and Sessions Court, Salem confirming the conviction imposed in the judgment dated 24.04.2025 made in C.C.No.152 of 2024 on the file of the learned Judicial Magistrate No.6, Salem pending disposal of the above Revision Petition.

PRAYER Crl.M.P.No.5537 of 2026: Criminal Miscellaneous Petition filed under Section 528 of B.N.S.S Act, 2023, to grant exemption from surrendering before the trial Court in pursuance to the judgment dated 12.12.2025 made in C.A.No.60 of 2025 on the file of the 1st Additional District and Sessions Court, Salem confirming the conviction imposed in the judgment dated 24.04.2025 made in CC.No.152 of 2024 on the file of the Judicial Magistrate No.6, Salem.



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For Petitioner:

Mr.A.Saravanan

For Respondent:

Mr.R.Kishore Kumar

Government Advocate (Crl.Side)

COMMON ORDER

The petitioner has preferred the above revision challenging the judgment dated 12.12.2025 passed by the learned 1st Additional District and Sessions Court, Salem in C.A.No.60 of 2025, confirming the judgment of the learned Magistrate, convicting and sentencing the petitioner to undergo six month simple imprisonment for the offence under Section 279 of Indian Penal Code (IPC), 1860 and to undergo three month simple imprisonment for the offence under Section 337 of IPC and to undergo one year simple imprisonment (for each count) for the offence under Section 338(3) of IPC and to undergo two years simple imprisonment for the offence under Section 304(A) of Indian Penal Code, 1860.

2. The instant petitions have been filed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court, pending disposal of the above revision.

3. The case of the prosecution that on 03.11.2023, at about 06.45 a.m., the accused, while driving a Tempo bearing Registration No. TN 90 J 1167 on the Namakkal- Salem National Highway, drove the vehicle in a rash and negligent



manner and at high speed and dashed against the rear side of a lorry proceeding ahead. Due the said incident, some of the passengers travelling in the Tempo sustained simple as well as grievous injuries and one passenger, namely Jothi sustained fatal injuries and died during treatment. Thus the petitioner has committed the aforesaid offences.

4. The learned counsel for the petitioner would submit that there was no negligence and only upon the negligence of the other vehicle, this accident took place. Though the same was elicited in the evidence of P.W.1, that was not considered by the learned Magistrate and that neither the trial Court as well as the appellate Court has not properly appreciated the evidence on record in its true perspective. Hence, he prayed to suspend the sentence imposed on the petitioner and to exempt the petitioner from surrendering before the Trial Court.

5. Heard the learned counsel for the petitioner and perused the materials available on record.

6. Having regard to the submission made by the learned counsel for the petitioner that there are substantial grounds raised in the above revision which require consideration, this Court is inclined to grant suspension of sentence and exempt the petitioner from surrendering before the Trial Court, subject to the following conditions:



(i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.6, Salem;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and

(iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court.

7. Accordingly, these Criminal Miscellaneous Petitions are ordered.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To
1. 1st Additional District and Sessions Court, Salem
2. The Judicial Magistrate No.6, Salem



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C.KUMARAPPAN, J.

NSL

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